

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**CRIMINAL MINUTE ORDER**

Date: October 15, 2012

Time in Court: 18 minutes

Case No.: CR-10-376-03 JSW

Judge: Jeffrey S. White

United States of America v.

Oshan Cook

Present (X) Not Present ( ) In Custody ( )

Chinyahi Cadet / Pete Axelrod  
U.S. Attorney

Doren Weinberg  
Defense Counsel

Deputy Clerk: Jennifer Ottolini

Court Reporter: Connie Kuhl

**PROCEEDINGS**

**REASON FOR HEARING: Pretrial Conference (Retrial)**

**RESULT OF HEARING:**

**I. Jury Issues.**

**A. Voir Dire**

1. The Court will use the same voir dire as the first trial with the modified statement of the case submitted by the parties.
2. The Court will seat two alternates.

**B. Preliminary Instructions**

1. The Court will use the same Preliminary Instructions used in the first trial, however, the *Conduct of the Jury* instruction has been modified (copies of modification given to counsel). Any objections shall be filed by 10-22-12.
2. The Court will have the jurors sign a certification that they have read and will abide by the *Conduct of the Jury* instruction.

**C. Jury Selection**

1. Jury Selection is scheduled for Wednesday, October 24, 2012 at 8:00 a.m. The jury will be selected, but not sworn until Monday, October 29, 2012.
2. Expected length of trial: October 29, 2012 and into the week of November 5, 2012, Monday - Thursday (excluding deliberations).

**II. Evidentiary Rulings.**

1. Motion to Exclude All Witnesses, except for the case agent: GRANTED.
2. The parties shall exchange any demonstratives to be used in opening statements by no later than 4:00 p.m. on Friday, October 26, 2012.

3. Issues raised in Government's Trial Brief (Court rules as follows):
  - a. References to potential punishment or consequences of a guilty verdict: There shall be no reference to any potential sentence, however, the defendant may argue about the potential consequences as long as his argument does not veer into an argument of jury nullification.
  - b. Testimony of Kenneth Glenn re: fact of dialing numbers and the numbers he dialed - Glenn can testify as to the fact of dialing, but cannot testify as to the actual number.
4. Transcripts from prior trial: The parties agree to refer to the previous trial transcripts as *transcripts from a prior proceeding*.

### **III. Housekeeping.**

1. The parties request the Court to reserve the evidence cart and the cart has been reserved through November 8, 2012.